

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **SELECT COMMITTEE ON EDUCATION FUNDING**

**Call to Order:** By **CHAIRMAN MONICA LINDEEN**, on January 25, 2005  
at 3:20 P.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Monica Lindeen, Chairman (D)  
Rep. Bill E. Glaser, Vice Chairman (R)  
Rep. Norma Bixby (D)  
Rep. Tim Dowell (D)  
Rep. Dave Gallik (D)  
Rep. Verdell Jackson (R)  
Rep. Bob Lake (R)  
Rep. Holly Raser (D)  
Rep. Jon Sonju (R)  
Rep. Pat Wagman (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Kim Leighton, Committee Secretary  
Chris Lohse, Legislative Branch  
Eddy McClure, Legislative Branch  
Jim Standaert, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 314, HB 311, 1/17/2005  
Executive Action:

**CHAIRMAN MONICA LINDEEN** brought the meeting to order and took care of general housekeeping issues.

**HEARING ON HB 314**

**Sponsor:** REP. EDWARD BUTCHER, HD 29, WINIFRED

**Opening Statement By Sponsor:**

**REP. BUTCHER** opened the discussion on this bill. He stated that the committee needs to define a basic, quality system of education. He stressed that in this discussion of finding a definition for education, the committee should rely on the word basic. He also discussed factors that affect how this definition is comprised. He asked, "What should be included in the basic education system?" He also provided written testimony to support his claim.

**EXHIBIT**(esh19a01)

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 19.9}***

**Proponents' Testimony:**

**Elaine Herman, State Organization Montana Eagle Forum**, discussed some work by Nancy Keenan, and maintaining local control of the school system. She claimed that she refers to this bill as, "Citizen Education Bill of Rights."

***{Tape: 1; Side: A; Approx. Time Counter: 19.9 - 23.3}***

**Opponents' Testimony:**

**Lance Melton, Montana State Board Association(MTSBA)**, stated that this bill denigrates provisions of the federal law. It doesn't solve any problems.

**Erik Burke, Montana Education Association-Montana Federation of Teachers(MEA-MFT)**, stated that this bill moves the progress backward instead of forward. It excludes the Board of Public Education(BPE) from involvement.

**Madalyn Quinlan, Office of Public Instruction(OPI)**, insisted that this bill tears apart underlying principles in the education system.

**Steve Meloy, Board of Public Education(BPE)**, stated he was in agreement with his fellow opponents. BPE works very hard on these bills, and Mr. Meloy does not want to see this bill minimize the efforts of BPE.

**Dave Puyear, Montana Rural Education Association(MREA)**, ordered that there is a narrow scope of the word "basic." There are many issues at hand. He is also concerned about the references to standardized testing. He stressed the importance of administrators as well.

**Jack Copps, Montana Quality Education Coalition(MQEC)**, referenced the Supreme Court finding, and stated that if HB 314 does pass, adequacy and equity will be constrained to reading, writing, and arithmetic.

**Informational Testimony:**

There were no informational witnesses.

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 8.3}*

**Questions From The Committee:**

**REP. HOLLY RASER** directed a question to the sponsor. She asked **REP. BUTCHER** if this bill included those children that are home-schooled.

**REP. BUTCHER** stated that this addresses public schools.

**REP. RASER** pointed out that achievement is dependent on the parents. She asked **REP. BUTCHER** where it states that this does not include home-schooling.

**REP. BUTCHER** stated that this bill is oriented to defining a quality system of education.

**REP. RASER** asked a question pertaining to the issue of teachers in small schools also acting as administrators. She asked if this is true in cases where there are only 25 students in a class.

**REP. BUTCHER** attested that that occurs when there is 25 or less in a grade level.

**REP. RASER** asks if someone could be both in these circumstances.

**REP. BUTCHER** articulated that it is up to each school board.

**REP. PAT WAGMAN** asked if there not be a limit on how many questions are asked. This is a very complicated issue.

**REP. LINDEEN** stated that that is fine.

**REP. TIM DOWELL** asked Lance Melton if it is true that the parents have the ultimate responsibility of the educational achievement of the children.

**Mr. Melton** said that is correct.

**REP. DOWELL** asked if it is also true that the teacher evaluation is dependent on the parent's responsibility.

**Mr. Melton** responded by saying, "Yes."

**REP. DOWELL** inquired about the statement that all students must perform higher than average.

**Mr. Melton** agreed to this.

**REP. DOWELL** stated that there is a contradiction on Page 2, by earlier question this cannot be accomplished.

**Mr. Melton** agreed that this is correct. He pointed out that the committee would need to address home-school versus public schools if this bill does pass.

**REP. VERDELL JACKSON** asked **REP. BUTCHER** what his thoughts are about the bill and casting out.

**REP. BUTCHER** stated that he did not go that far in the bill. He reiterated that defining a basic system is covering a very narrow issue.

**REP. JACKSON** asked **REP. BUTCHER** to expand on the idea of defining the basic. He touched on the fact that **REP. BUTCHER** stated that the school would probably teach more than basic. He asked, "Where does the responsibility of that lie?"

**REP. BUTCHER** stated that this bill simply defines the basic. He claimed he would hope parents would push school systems to teach more than basic.

**REP. JACKSON** thanked **REP. BUTCHER** for his presentation.

**REP. DAVE GALLIK** approached **REP. BUTCHER** that if we don't follow the court rulings and the constitution, it could cause a lot of trouble. He asked, "Why would we pass this bill that could cause so much trouble?"

**REP. BUTCHER** mentioned past decisions and how they pertain to this question.

**REP. RASER** stated that she is concerned with the language regarding children with disabilities. She asked, "Can local school boards turn away children because they cannot afford services for disabilities?"

**REP. BUTCHER** stated that they can in fact do this if they cannot afford to provide for students with disabilities.

**REP. RASER** asked if they can force a parent to take their children to another school.

**REP. BUTCHER** stated that "force" is a strong word. He attested that parents would probably want to do what is best for their children.

**REP. RASER** asked Madalyn Quinlan about funding that goes along with this, and if there would be additional funding.

**Ms. Quinlan** attested that funding is in Section 7 and Section 8. She then discussed it a little further.

**REP. RASER** asked if there is chance of an increased amount.

**Ms. Quinlan** stated that funds are a little bigger for special needs kids, and referred to Page 15, Line 26.

**REP. RASER** expressed concern about providing needs for special needs and how this affects those children without special needs.

**REP. BUTCHER** stated that life isn't fair. He added that most parents wouldn't want to keep a child at a school that is unable to provide for them. It is hard to accommodate everyone.

**REP. RASER** also expressed concern with the language in this bill regarding services with disabilities. She asked, "How would the sponsor coordinate the language in this bill?"

**REP. BUTCHER** asserted that a group would have to sit down and really examine the language, and make the necessary changes. He did however attest that the services for these children are being provided.

**REP. RASER** affirmed that that is something that needs to be addressed. It is up to the parent to decide on their child's education.

**REP. BUTCHER** stated that this is correct to a point.

**REP. BOB LAKE** asked Mr. Melton if MTSBA has the power to grant a school board more local control.

**Mr. Melton** discussed the process in which this occurs.

**REP. LAKE** asked Mr. Melton about the quality of education. He inquired if in fact the smaller schools should be required to provide services as well as the larger schools.

**Mr. Melton** discussed this by referring to Helena Elementary v. The State.

**REP. LAKE** spoke of the word "basic" in this bill. He stated that he does not understand Mr. Melton's strong opposition to this.

**Mr. Melton** believed that REP. LAKE was possibly misreading the constitution.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 12.4}**

**Closing Statement By Sponsor:**

**REP. BUTCHER** stated that he believed the issues were aired that needed to be. There are several issues within the education system. He believed that he targeted the specific issues that need attention

**{Tape: 2; Side: A; Approx. Time Counter: 12.4 - 18.6}**

5 Minute Recess

**{Tape: 2; Side: A; Approx. Time Counter: 18.6 - 19.1}**

**HEARING ON HB 311**

**Sponsor:** **REP. WILLIAM GLASER, HD 44, HUNTLEY**

**Opening Statement By Sponsor:**

**REP. GLASER** introduced HB 311 by speaking of the words in the definition. The committee needs to define quality as it pertains to schools. There is the need to define the state's share, and implement it. Children need to find joy in learning. He also stated that it is not wise for the legislature to try and micro-manage the school system. REP. GLASER also provided a document to signify two amendments that he is proposing.

**EXHIBIT**(esh19a02)

***{Tape: 2; Side: B; Approx. Time Counter: 0 - 1.4}***

**Proponents' Testimony:**

**Lance Melton, MTSBA**, claimed that this bill is intended to heighten the output of students' achievement. Home atmosphere is the most important factor, and next is the quality of the education system being offered. He encouraged the House of Representatives and the Senate to work together. He also provided written testimony to support HB 311.

[EXHIBIT\(esh19a03\)](#)

**Dave Puyear, MREA**, emphasized the importance of the role of the BPE in this process.

**Rodney Svee, Superintendent of Billings Public Schools**, provided two statements to support HB 311. He discussed the documents he provided, and stated specifics of the bill.

[EXHIBIT\(esh19a04\)](#)

[EXHIBIT\(esh19a05\)](#)

***{Tape: 2; Side: B; Approx. Time Counter: 1.4 - 24.8}***

**Opponents' Testimony:**

**Elaine Herman, State Organization Montana Eagle Forum**, stated that it is important to emphasize local control. This would not allow parents to mandate what their children learn. It undermines local control.

**Madalyn Quinlan, OPI**, stood in opposition representing Linda McCulloch, State Superintendent. She stated that there needs to be more measurable performance measures in place.

**Erik Burke, MEA-MFT**, stated that they don't disagree with what REP. GLASER is doing, but rather the words in this bill are outdated and no longer relevant. They need to be more specific and direct.

**Jack Copps, MQEC**, agrees with what schools shall provide in regard to student skills. The basic system shall provide two things: high expectations, and a strong infrastructure. He supports the amendments by Lance Melton.

**Charles Lawrenson, Kalispell, Montana**, attested that he does not like the idea of OPI defining this. He believes in elected officials doing this job. By using OPI, it pushes people away from public schools.

*{Tape: 3; Side: A; Approx. Time Counter: 0 - 10.3}*

**Informational Testimony:**

**Steve Meloy, BPE**, attested that this bill is a good step in the right direction.

*{Tape: 3; Side: A; Approx. Time Counter: 10.3 - 12.1}*

**Questions From The Committee:**

**REP. JACKSON** asked Erik Burke about his statement that, "The study is no longer relevant."

**Mr. Burke** stated that he believes there are more relevant studies that have been done.

**REP. JACKSON** asked if he was referring to the 1988 Study.

**Mr. Burke** replied that that was true.

**REP. JACKSON** asked about the fact that Mr. Burke said, "This definition is not meaningful."

**Mr. Burke** stated that it is going to be difficult using this definition.

**REP. WAGMAN** directed a question to the sponsor. He stated that Page VI of the 1975 Study suggests that the legislature should refrain from mandating curriculum, and asked REP. GLASER's thoughts on this.

**REP. GLASER** mentioned SB 152, and discussed amendments that should be in place.

**REP. WAGMAN** commented on Mr. Lawrenson's remarks about OPI being appointed by the Governor, and not elected by the people, and the constitutional question of who really holds the authority to make these decisions.

**REP. GLASER** stated that, "None of us are in charge, and we are all in charge." We need to recognize the individuality of each school.

**REP. WAGMAN** asked if it is possible with his amendment that we could have a battle with BPE in regard to the accreditation standards.

**REP. GLASER** stated that we seem to be afraid of ourselves.



**REP. GALLIK** wished to address the specific language of the bill. He asked how the committee should jump from REP. GLASER's definition to educationally relevant factors.

**REP. GLASER** mentioned that the educationally relevant factors are those things that are necessary to create and maintain quality schools. The committee also needs to take accreditation standards into account.

**REP. GALLIK** that he was having troubles with REP. GLASER's definition, and how to connect that to accreditation standards.

**REP. GLASER** stated that the bill has a lot of broad-based factors. The committee needs to look at accreditation standards to determine educationally relevant factors.

**REP. GALLIK** asked for clarification.

**REP. GLASER** directed him to the accreditation standards.

**REP. GALLIK** stated that he understands what this bill is intended to do. He asked, "What happens if the intended goals of this bill are not met? How do we defend our decision against this?"

**REP. GLASER** attested that the committee define what a quality education is, and find out how to provide for that system. He doesn't foresee a participant suing if there is a quality system in place.

**REP. JACKSON** desired a follow up on REP. WAGMAN's points. He asked REP. GLASER if he accepted the accreditation standards as part of this bill.

**REP. GLASER** stated that he did not know how to answer this.

**REP. JACKSON** pointed out that REP. WAGMAN had stated that the legislators have some flexibility in doing their job of mandating staff and curriculum. He asked, "So what does this leave to the local school board?"

**REP. GLASER** stated that the accreditation standards do have an alternative system.

**REP. JACKSON** spoke in terms of class sizes and local control. He felt that there is no longer the local control necessary to do this. He stated that there is a problem when kids hate school. He asked if the committee should adopt some form of detailed curriculum and accreditation standards.

**REP. GLASER** reiterated that the committee needs to maintain a working partnership with the BPE.

**REP. WAGMAN** directed a question to Mr. Melton. He asked him what he believed the educationally relevant factors are.

**Mr. Melton** asked REP. WAGMAN to point him to a specific area of the document.

**REP. WAGMAN** stated Page 2, Section 4.

**Mr. Melton** stated that the original was omitted, and this was not his language in the document.

**REP. WAGMAN** asked Mr. Melton if he would please list the educationally relevant factors.

**Mr. Melton** claimed that it was directed to the legislature to decide that.

**REP. WAGMAN** attested that he was asking Mr. Melton for help, and to please list what they are in his opinion.

**Mr. Melton** stated quality teachers, early childhood education especially in high risk children, and special needs education. He would need to scrutinize the bill to come up with a detailed list.

**REP. WAGMAN** stated that he would like a complete list.

**Mr. Melton** mentioned that the Augenblick & Meyer Study would probably be helpful.

**REP. WAGMAN** requested Mr. Svee to answer the same question.

**Mr. Svee** insisted that if a committee wants it, the school board will provide it. If it touches the K-12 system, it is educationally relevant.

**REP. WAGMAN** asked Jack Copps the same question.

**Mr. Copps** agreed with Superintendent Svee.

**REP. WAGMAN** requested the same answer from Steve Meloy.

**Mr. Meloy** pointed out that the accreditation standards is a good place to start.

**REP. WAGMAN** asked Mr. Meloy if this was a complete list.

**Mr. Meloy** stated that it is not a complete list.

**REP. GALLIK** asked the sponsor of the bill the same question.

**REP. GLASER** stated that the accreditation standards doesn't cover everything, it's just not possible.

**Closing Statement By Sponsor:**

**REP. GLASER** reiterated the importance of this definition. He hopes that the legislature does not decide to micro-manage.

**ADJOURNMENT**

Adjournment: 6:30 P.M.

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REP. MONICA LINDEEN, Chairman

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KIM LEIGHTON, Secretary

ML/KL

Additional Exhibits:

**EXHIBIT ([esh19aad0.PDF](#))**